

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

3 JOHN DOE,

4 Plaintiff,

5 - against - Civil Action No. 1:20-CV-1185

6  
7 RENSSELAER POLYTECHNIC INSTITUTE,

8 Defendant.

9  
10 DEPOSITION of Defendant, RENSSELAER  
11 POLYTECHNIC INSTITUTE, by its Agent, JACQUELYN TURNER,  
12 held on the 19th day of November 2021, commencing at  
13 11:12 a.m., at the Law Offices of E. Stewart Jones  
14 Hacker Murphy, LLP, 28 Second Street, Troy, New York,  
15 before Jeanne O'Connell, Registered Professional  
16 Reporter and Notary Public in and for the State of New  
17 York.

1 determine there was a violation of the student sexual  
2 misconduct policy?

3 A. I don't know.

4 Q. Who would have that information?

5 A. The case files.

6 MR. GINSBERG: We also represent that  
7 that information has been provided pursuant to  
8 discovery.

9 THE WITNESS: If I could clarify, the  
10 case files that are outlined in this Exhibit 13.

11 BY MS. NOCIOLO:

12 Q. What from the case files would you need that is  
13 not presently included in the Excel file from Exhibit  
14 13?

15 A. Only if the determination column was blacked out  
16 or blanked, but I'd have to go back to the files to see  
17 what the determination was.

18 Q. Has RPI ever received notice from United States  
19 Department of Education Office of Civil Rights regarding  
20 a complaint that RPI failed to respond appropriately to  
21 a complaint of sexual harassment, assault or retaliation  
22 by a student?

23 A. I don't know.

1 Q. You are here as RPI's corporate representative;  
2 is that right?

3 MR. GINSBERG: Yeah.

4 THE WITNESS: Yes.

5 (Plaintiff's Exhibit 14 marked for  
6 identification.

7 (Recess taken.)

8 BY MS. NOCIOLO:

9 Q. I'm just going to show you, and I'll show your  
10 counsel first, what I have marked as Plaintiff's 14.

11 Have you seen this document before?

12 A. I don't recognize it offhand. I don't know if  
13 I've seen it before.

14 Q. But it's your understanding you're here as RPI's  
15 corporate representative; is that right?

16 A. Yes.

17 MS. NOCIOLO: I'm just going to reserve  
18 my right to re-depose the corporate  
19 representative to the extent that I've outlined  
20 matters that we're looking to have answers to our  
21 questions in the deposition notice marked as  
22 Plaintiff's Exhibit 14.

23 MR. GINSBERG: So noted.

1 BY MS. NOCIOLO:

2 Q. Previously, we were talking about complaints from  
3 the US Department of Education's Office of Civil Rights.

4 Do you recall that?

5 A. Yes.

6 Q. What is your understanding about whether or not  
7 RPI has received complaints from the Office of Civil  
8 Rights regarding its failure to respond appropriately to  
9 complaints of sexual harassment, assault and/or  
10 retaliation by a student?

11 MR. GINSBERG: Object to the form.

12 THE WITNESS: I just don't have knowledge  
13 of it.

14 BY MS. NOCIOLO:

15 Q. I'm going to show you what's been previously  
16 marked as Plaintiff's 10 and 11. If you want to just  
17 take a look at those and let me know when you're done.

18 A. Do you want me to read both documents in the  
19 entirety?

20 Q. I will say what I think is the relevant is the  
21 fourth and fifth page of each of those letters.

22 A. Data request, that page?

23 Q. Yes. I will stop you at 10 before you go on to

1 11 if you don't mind.

2 A. Okay.

3 Q. Do you recognize Plaintiff's Exhibit 10?

4 A. I do not.

5 Q. Have you been involved with any Office of Civil  
6 Rights investigation regarding [REDACTED], case  
7 number 02172632?

8 A. I have not.

9 Q. With respect to Plaintiff's Exhibit 11, I'll  
10 direct you to page 4. I'm sorry. Page 3.

11 Do you see the name indicated at the top of that  
12 page?

13 A. Yes.

14 Q. Had you been involved or aware of the Office of  
15 Civil Rights investigation notice regarding [REDACTED],  
16 OCR case number 02182295?

17 A. No. I'm not.

18 Q. Are you aware of any OCR, Office of Civil Rights  
19 investigation matters pending at RPI?

20 A. I'm not.

21 Q. Has RPI ever received complaints from students  
22 about its failure to respond appropriately to a  
23 complaint of sexual harassment or assault?

1 A. A complaint by a student?

2 Q. Yes.

3 A. Not that I'm aware of.

4 Q. Has RPI ever received complaints from a parent of  
5 a student at RPI about its failure to respond  
6 appropriately to a complaint of sexual harassment or  
7 assault?

8 A. Not that I'm aware of.

9 Q. I'm going to show you what's previously been  
10 marked as Plaintiff's Exhibit 12. Take an opportunity  
11 to review that.

12 A. Reviewed it.

13 Q. Do you recognize that document?

14 A. I think that's the first time I've ever seen that  
15 document. I don't remember seeing it before.

16 Q. Are you familiar with RPI's student newspaper?

17 A. I am.

18 Q. It's the Polytechnic; is that right?

19 A. I am.

20 Q. Prior to today, though, you haven't seen  
21 Plaintiff's Exhibit 12?

22 A. I don't remember seeing that. I could have. I  
23 just don't remember it.